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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,230	02/14/2002	Jack L. Auflick	201-0924 (15842)	1020

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER
FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		10/076,230	AUFLICK ET AL.
		Examiner	Art Unit	
		Andrew C. Flanders	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Real (Real Jukebox Plus Manual) in view of Seo et al. (U.S. Patent Application

Publication 2004/0010415, herein referred to as Seo).

Regarding **Claim 1**, Real discloses:

A method of organizing digital audio tracks on a predetermined media for

navigation and selection by a user of an audio player, said predetermined media storing

said digital audio tracks in a directory-based file system (the music library in fig 3-1),

said method comprising the steps of:

scanning said predetermined media to locate each of said digital audio tracks to

determine a total number of tracks (i.e. searching the disc for music Real Audio Jukebox

can play; page 47).

Real does not explicitly disclose numbering said digital audio tracks with a flat-file

selection number from a first flat-file selection number to a last flat-file selection number

in a flat file mode;

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number single-level directory mode;

numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number;

said user selecting either said flat file mode or said directory mode;

when in said flat file mode, said audio player displaying said flat-file selection numbers and said user searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

when in said directory mode, said audio player displaying said directory numbers and said in-directory selection numbers and said user selecting a desired directory and then searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

Seo discloses:

numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in a flat file mode (i.e. the database includes a directory index which is a serial number for referring to the directory registered in the database; paragraph 85);

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number single-level directory mode (i.e. the database includes a sub directory index; paragraph 88);

numbering digital audio tracks within each numbered directory with an in-

directory selection number from a respective first in-directory selection number to a

respective last in-directory selection number (i.e. the sub file includes a number of the

sub file; paragraph 89).

The combination of Real in view of Seo further discloses:

said user selecting either said flat file mode (i.e. master library) or said directory

mode (i.e. artist, album or genre directory) (i.e. a user of the Real Jukebox Plus

software can select the master library or the artist album or genre directory; Fig. 3-1);

when in said flat file mode, said audio player displaying said flat-file selection

numbers and said user searching for a desired digital audio track by sequentially

navigating through said flat-file selection numbers (i.e. when the user of the Real Audio

software is using the master library, they can scroll through the files which are

numbered by Seo's database numbering scheme, the numbers being displayed similar

to Fig. 8 in Seo on Fig. 3-1 of Real); and

when in said directory mode, said audio player displaying said directory numbers

and said in-directory selection numbers and said user selecting a desired directory and

then searching for a desired digital audio track by sequentially navigating through said

in-directory selection numbers (i.e. when the user of the Real Audio software is using

the artist, genre or album directory, they can scroll through the files which are numbered

by Seo's database numbering scheme; the numbers being displayed similar to Fig. 8 in

Seo on Fig. 3-1 of Rea).

It would have been obvious to one of ordinary skill in the art to apply Seo's

database numbering system to Real's music library software. One would have been

motivated to do so to improve the speed of searching and playing; see Seo paragraph

12.

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1,

the combination of Real in view of Seo further discloses:

wherein said first flat-file selection number equals 1 and said last flat-file

selection number equals said total number of tracks (i.e. the first file in the database has

an index of 1 and the last file has a number of 4, out of four files; Seo Fig. 8).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1,

the combination of Real in view of Seo further discloses:

wherein said first in-directory selection number in each respective numbered

directory is equal to 1 (i.e. the sub file index and the number of the sub file memorize

the first index where the sub directory of the directory is recorded on the file database,

and the number of the sub files; paragraph 88 and Fig. 8 in Seo).

Regarding **Claim 4**, in addition to the elements stated above regarding claim 3,

the combination of Real in view of Seo further discloses:

wherein each respective last in-directory selection number is equal to a total

number of said digital audio tracks contained within its respective directory (i.e. the sub

file index and the number of the sub file memorize the first index where the sub

directory of the directory is recorded on the file database, and the number of the sub

files; paragraph 88 and Fig. 8 in Seo).

Regarding **Claim 5**, in addition to the elements stated above regarding claim 1,

the combination of Real in view of Seo further disclose:

wherein said scanning step is comprised of compiling and storing in an index

table a respective flat-file selection number, a directory number, and an in-directory

selection number assigned to each digital audio track found during said scanning (i.e.

searching the disc for music Real Audio Jukebox can play; page 47 in Real; and each of

the audio files in the combination are designated a directory index, a sub directory index

and a sub file number; Fig. 8 in Seo and its associated text).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 1,

the combination of Real in view of Seo further discloses:

wherein said digital audio tracks are identified by a respective file extension in

their respective file names of said file system (i.e. Real Jukebox's sound can come from

many different sources, and each of these sources have file extensions, such as .rmx,

.ra, .rmj and .mp3; page 74 in Real).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6,

the combination of Real in view of Seo further discloses:

wherein said digital audio tracks are encoded as MP3 files (i.e. Real Jukebox can play MP3 files; page 1)

Regarding **Claim 8**, in addition to the elements stated above regarding claim 1, the combination of Real in view of Seo further discloses:

wherein said predetermined media is comprised of a CD-ROM disc (i.e. Real Jukebox can play CD's; page 1).

Regarding **Claim 9**, Real discloses;

An audio player for reproducing selections from a predetermined media containing digital audio tracks stored a directory-based file system (the music library in fig 3-1), said audio player comprising:

a controller for scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks (i.e. searching the disc for music Real Audio Jukebox can play; page 47).

Real does not explicitly disclose an alphanumeric display showing selection number identifying data;

a user control interface for selecting either a flat-file mode or a directory mode and for navigating sequentially through said selection number identifying data in each of said modes;

a controller for numbering said digital audio tracks with a flat-file selection number from a first flat- file selection number to a last flat-file selection number in said flat file mode,

for numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in said directory mode, and

for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in- directory selection number to a respective last in-directory selection number,

for causing said display to show said flat-file selection number when in said flat file mode, and for causing said display to show said directory number and said in-directory selection number when in said directory mode;

wherein, when in said flat file mode, said controller is responsive to said user control interface for searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

wherein, when in said directory mode, said controller is responsive to said user control interface for selecting a desired directory and then for searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

Seo discloses:

a controller for numbering said digital audio tracks with a flat-file selection number from a first flat- file selection number to a last flat-file selection number in said

flat file mode(i.e. the database includes a directory index which is a serial number for

referring to the directory registered in the database; paragraph 85),

for numbering each directory within said file system containing at least one of

said digital audio tracks from a first directory number to a last directory number in said

directory mode (i.e. the database includes a sub directory index; paragraph 88), and

for numbering digital audio tracks within each numbered directory with an in-

directory selection number from a respective first in- directory selection number to a

respective last in-directory selection number (i.e. the sub file includes a number of the

sub file; paragraph 89).

The combination of Real in view of Seo further discloses:

an alphanumeric display showing selection number identifying data (the music

library screen in Fig 3-1 of Real);

a user control interface for selecting either a flat-file mode (i.e. master library) or

a directory mode (i.e. artist, album or genre directory) and for navigating sequentially

through said selection number identifying data (i.e. a user of the Real Jukebox Plus

software can select the master library or the artist album or genre directory; Fig. 3-1);

for causing said display to show said flat-file selection number when in said flat

file mode, and for causing said display to show said directory number and said in-

directory selection number when in said directory mode (i.e. the numbers being

displayed similar to Fig. 8 in Seo on Fig. 3-1 of Real);

wherein, when in said flat file mode, said controller is responsive to said user

control interface for searching for a desired digital audio track by sequentially navigating

through said flat-file selection numbers; and

(i.e. when the user of the Real Audio software is using the master library, they

can scroll through the files which are numbered by Seo's database numbering scheme);

and

wherein, when in said directory mode, said controller is responsive to said user

control interface for selecting a desired directory and then for searching for a desired

digital audio track by sequentially navigating through said in-directory selection numbers

(i.e. when the user of the Real Audio software is using the artist, genre or album

directory, they can scroll through the files which are numbered by Seo's database

numbering scheme).

It would have been obvious to one of ordinary skill in the art to apply Seo's

database numbering system to Real's music library software. One would have been

motivated to do so to improve the speed of searching and playing; see Seo paragraph

12.

Regarding **Claim 10**, in addition to the elements stated above regarding claim 9,

the combination of Real in view of Seo further discloses:

wherein said display further shows an indicator according to one of said flat file

mode or said directory mode that is selected at a particular time (i.e. the music library

screen shows whether the master library or artist, album or genre folder is selected; fig. 3-1 in Real).

Regarding **Claim 12**, in addition to the elements stated above regarding claim 11, the combination of Real in view of Seo further discloses:

wherein said selection number identifying data for said directory mode is comprised of a directory number followed by an in-directory selection number (i.e. the database by Seo includes sub directory numbers and sub directory file numbers; fig. 8 and its related text in Seo. Again, as shown in claim 11 it would have been obvious to display these number on the screen disclosed by Real).

Regarding **Claim 13** in addition to the elements stated above regarding claim 9, the combination of Real in view of Seo does not disclose wherein said display further shows a wait message during said scanning of said predetermined media.

However, Examiner takes official notice that displaying a wait message during various computing processes, such as scanning predetermined media, is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to display a wait message on the combination of Real in view of Seo. One would have been motivated to do so in order to inform the user that the combination was in the process of searching. It would be desirable to do so to prevent the user from using other processes thereby slowing the searching process.

Regarding **Claim 14**, in addition to the elements stated above regarding claim 9,

the combination of Real in view of Seo further discloses an index table compiled during

said scanning of said predetermined media for storing a respective flat-file selection

number, a directory number, and an in-directory selection number assigned to each

digital audio track found during said scanning (i.e. searching the disc for music Real

Audio Jukebox can play; page 47 in Real; and each of the audio files in the combination

are designated a directory index, a sub directory index and a sub file number; Fig. 8 in

Seo and its associated text).

Response to Arguments

Applicant's arguments filed 22 August 2005 have been fully considered but they

are not persuasive.

Applicant alleges:

> "Real relates to a PC-based software system for manipulating,
> organizing and reproducing music tracks. A full size, graphical display
> allows such information as track name, artist name, and genre to be
> displayed regardless of the type of operation being performed.
> Consequently, Real does not assign flat-file selection numbers, directory
> numbers, or in-directory selection numbers to any tracks and it does not
> utilize sequential navigation through such numbers. Taking these steps in
> Real would serve no useful purpose in the PC environment, which is the
> only environment in which Real can be used."

Examiner respectfully disagrees. Applicant is alleging that Real does not assign

flat-file selection number, directory numbers, or in-directory selection numbers and it

does not utilize sequential navigation through such numbers. Examiner somewhat

agrees with this allegation. First, as Applicant has acknowledged, Real is a computer

program for organizing music files. Real requires some system (numbered,

alphabetized, or otherwise) to organize the music tracks in a particular order.

Organizing by album, and sub-organizing by track number of the Album is one

implementation that a typical user may prefer. Organizing songs in a particular order in

which the user would like to listen is another implementation that a typical user may

prefer. To accomplish these implementations, numbering the tracks in order of

playback would be required for the play list type implementation and sub numbers

would be required for the album type implementation. The Seo reference discloses this

as shown in the rejection.

Applicant further alleges:

> "Seo is cited as allegedly showing flat-file selection numbers,
> directory numbers, and in-directory selection numbers, but the teachings
> in Seo fail to suggest the method steps recited in claim 1 considering them
> with all their limitations. Seo relates to generating a database of
> information relating to a plurality of tracks in order to support keyword
> searching to find a desired track. Keywords for searching can be title,
> composer, or genre (see, for example, paragraph (00521). Since
> searching is accomplished by entering keywords, it is clear that Seo
> neither teaches nor suggests sequentially navigating through flat-file
> selection numbers or in-directory selection numbers as they are displayed
> to the user on a display."

Examiner respectfully disagrees. Applicant is alleging that Seo fails to teach the

steps recited in claim 1, essentially that Seo does not disclose sequentially navigating

through flat-file selection numbers or in-directory selection numbers as they are

displayed to a user on the display. Applicant fails to acknowledge that while Seo does

not disclose this, the combination of Real in view of Seo does. For further info see the

above arguments.

Furthermore, even though Seo discloses a keyword searching method, that does

not affect in any way the numbering of the files disclosed in real. While Seo is primarily

teaching keyword searching, numbering the files in Real allows for a sequential search.

Applicant further alleges:

> "In addition to the failure of the combined references to create the
> claimed invention, there would be no motivation to combine the
> references. The rejection states that "one would have been motivated to
> do so to improve the speed of searching and playing." Assuming for the
> sake of argument that one skilled in the art would have made the
> database (used by Seo only in connection with internal computer
> searching processes) visible to a user who is looking for a particular track,
> making such numbering apparent to the user would not speed up their
> search to find the track because they can better identify the track based
> on the keywords rather than arbitrarily assigned numbers."

Examiner respectfully disagrees. Implementing the numbering method disclosed

by Seo in the database disclosed by Real would in fact speed up searching and

playback in certain situations. While keyword searching would be quicker in some

instances (and thus yet another reason to combine Seo with Real), other times

sequentially navigating would be quicker. If a user has a favorite song, say for instance

numbered 50, they would know in their memory for repeated playing that the song is

located at 50. It would be much quicker for the user to navigate directly to song 50

rather than to search. As a parallel, a user of the Windows operating system has a

multitude of options to locate a file; in one situation, one being a search and the other

opening the directories directly. If a user knows exactly where a file is located, the user

will open the directory rather than performing an unnecessary search.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Flanders whose telephone number is (571)

272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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acf

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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